IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3791 OF 2007

Golden Valley Building No.3 Coop.
Hsg. Ssociety Ltd. ....Petitioner
V/s
Smt.Ranjanben Lalji Gada & Ors..... ....Respondents.

Mr.P.G.Lad i/by Ms.Anita D. Borkar, Adv. For the petitioner.

Mr.Ajay Samant, Adv. For respondent Nos.1 to 4.

Mr.S.K.Chincholikar, AGP for respondent Nos. 5 to 7.

CORAM: A.P.DESHPANDE, J.
17/8/07

PC:

The petitioner is a housing society and whereas respondent Nos. 1 to 4 are the heirs of one Lalji Gada. The predecessor-in-title of respondent Nos. 1 to 4 had paid a sum of Rs.1,90,000/- to one Mr.Joseph who was member of the petitioner-society and owner of the flat in question. Mr.Joseph had put Lalji Gada in possession of the flat and respondent Nos. 1 to 4 are admittedly in possession of the said flat since the year 1986. Various proceedings are taken up before different Forums and the orders passed therein clearly indicate that the predecessor-in-title of respondent Nos. 1 to 4 was put in possession by Mr.Joseph after receiving the sum of Rs.1,90,000/-. As the Respondent Nos. 1 to 4 were not being admitted as members of the society they

initiated proceedings under section 23(2) of the Maharashtra Cooperative Societies Act (the "Act"). The Assistant Registrar after considering the rival contentions directed the petitioner to enroll respondent Nos. 1 to 4 as members of the society. The order passed by the Assistant Registrar was carried in revision before the Divisional Joint Registrar who after taking into consideration all the aspects and various orders passed in proceedings between the parties concurred with the view taken by the Assistant Registrar and maintained the order passed by the Assistant Registrar directing the petitioner to grant membership to respondent Nos. 1 to 4 under section 23 of the act. Perused the orders under challenge passed by the Assistant Registrar so also the Divisional Joint Registrar. The impugned orders do not suffer from any illegality warranting interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed. At this stage learned counsel for the petitioner seeks stay of this order. Request stands rejected.

17.8.07